

1 BARBARA HART (*pro hac vice*)
2 DAVID C. HARRISON (*pro hac vice*)
3 JEANNE D'ESPOSITO (*pro hac vice*)
4 LOWEY DANNENBERG COHEN & HART, P.C.
5 One North Broadway, Suite 509
6 White Plains, NY 10601-2310
7 Telephone: 914-997-0500
8 Facsimile: 914-997-0035

9
10 *Lead Counsel for the New York City Pension Funds and the Putative Class*

11 WILLEM F. JONCKHEER S.B.N. 178748
12 SCHUBERT JONCKHEER KOLBE & KRALOWEC LLP
13 Three Embarcadero Center, Suite 1650
14 San Francisco, CA 94111
15 Telephone: 415-788-4220
16 Facsimile: 415-778-0160

17
18 *Local Counsel*

19
20
21
22
23
24
25
26
27
28
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE JUNIPER NETWORKS, INC.
SECURITIES LITIGATION

No. C06-04327-JW

**STIPULATION AND ORDER
ALLOWING DEPOSITIONS TO
PROCEED AFTER THE DECEMBER
1, 2009 DISCOVERY CUTOFF,
AS MODIFIED BY THE COURT**

STIPULATION AND ORDER ALLOWING CERTAIN DEPOSITIONS AFTER THE DECEMBER 1, 2009
DISCOVERY CUTOFF—CASE NO. 06-04327-JW

1 This Stipulation is entered into by and among Lead Plaintiff the New York City Pension
 2 Funds and Defendants Juniper Networks, Inc., Scott Kriens, Pradeep Sindhu, Marcel Gani,
 3 Robert M. Calderoni, Kenneth Goldman, William R. Hearst III, Stratton Sclavos, Vinod Khosla,
 4 Kenneth Levy, and William R. Stensrud (the “Juniper Defendants”), by and through their
 5 respective attorneys of record.

6 WHEREAS, on November 13, 2009, Lead Plaintiff filed a Motion for Sanctions against
 7 Defendant Ernst & Young in which Lead Plaintiff has requested, *inter alia*, that the Court permit
 8 it to recall Juniper and Ernst & Young witnesses after Lead Plaintiff finished reviewing
 9 documents Ernst & Young had recently produced;

10 WHEREAS, shortly after Lead Plaintiff filed the Motion for Sanctions referenced above,
 11 the Juniper Defendants offered, and Lead Plaintiff agreed, to adjourn the depositions of certain
 12 Juniper witnesses (Bill Carey, Ken Goldman and Marcel Gani) so that Lead Plaintiff could finish
 13 its review of Ernst & Young documents and complete those depositions in a single sitting, and
 14 the Juniper Defendants agreed that such depositions could take place after the December 1, 2009
 15 discovery deadline if necessary;

16 WHEREAS, for separate reasons, Lead Plaintiff and the Juniper Defendants agreed that
 17 the depositions of William Hearst, Robert Calderoni, Luke Fewel, and Ken Levy could take
 18 place after the December 1, 2009 discovery deadline;

19 WHEREAS, in addition, the Magistrate has pending before her Lead Plaintiff’s motion
 20 for leave to take additional depositions (the “Additional Depositions”), the number of which is
 21 not yet resolved;

22 WHEREAS, the Lead Plaintiff has requested that, if the Magistrate grants their motion
 23 for Additional Depositions, or if the parties agree between themselves as to the number of such
 24 additional depositions, it be allowed to complete those Additional Depositions in December 2009
 25 and January 2010 notwithstanding the December 1, 2009 discovery deadline, and the Juniper
 26 Defendants do not oppose that request;

27 WHEREAS, the parties agree that the above scheduling will foreclose the possibility of
 28

1 proceeding with the expert discovery deadlines set forth in the Stipulated Discovery Plan [Dkt.
2 No. 179] as currently ordered, and request that the Court adjourn those deadlines and convene a
3 status conference in February 2010 to address those deadlines;

4 THEREFORE, the parties stipulate, and request the Court to enter an order, that:

5 Notwithstanding the December 1, 2009 discovery deadline, Lead Plaintiff may
6 complete the above-referenced depositions of Bill Carey, Ken Goldman, Marcel Gani, William
7 Hearst, Robert Calderoni, Luke Fewel, and Ken Levy, plus any Additional Depositions granted
8 to Lead Plaintiff by the Magistrate or agreed to by the Juniper Defendants, in the months of
9 December 2009 and January 2010.

10

11 DATED: November 23, 2009

12 LOWEY DANNENBERG COHEN & HART, P.C.

13

/S/

14 BARBARA J. HART
DAVID C. HARRISON
JEANNE D'ESPOSITO
15 One North Broadway, 5th Floor
White Plains, NY 10601-2310
914-997-0500 (telephone)
914-997-0035 (facsimile)

16

17 *Counsel for Lead Plaintiff*

18

19

20

WILLEM F. JONCKHEER
SCHUBERT JONCKHEER KOLBE
& KRALOWEC LLP
21 Three Embarcadero Center, Suite 1650
San Francisco, CA 94111
415-788-4220 (telephone)
415-788-0161 (facsimile)

22

23

Local Counsel

24

25

26

27

28

1 WILSON SONSINI GOODRICH & ROSATI
2

3 /S/
4 NINA F. LOCKER
5 STEVEN GUGGENHEIM
6 JONI OSTLER
7 650 Page Mill Road
8 Palo Alto, CA 94304-1050
9 650-493-9300 (telephone)
10 650-565-5100 (facsimile)

11 *Counsel for the Juniper Defendants*
12

13 * * *
14

15 **O R D E R**
16

17 PURSUANT TO STIPULATION, IT IS ORDERED.
18

19 DATED: December 18, 2009
20

21 
22 Magistrate Judge
23